

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-20. (Cancelled)

21. (Previously Presented) A device for engaging tissue having a preexisting opening, comprising:

a generally annular-shaped ring defining a plane, the ring being disposed about a central axis extending through the plane;

at least two staple members extending from the ring, each of the at least two staple members having at least a distal portion formed of an elastic material, the distal portions having a first configuration, where the distal portions are separated by a first distance and wherein the distal portions are substantially parallel to the central axis, and a second configuration, where the distal portions are separated by a second distance, the second distance being less than the first distance; and

a member configured to be disposed within the ring, the member configured to bias the distal portions of the at least two staple members to the first configuration when the member is disposed within the ring.

22. (Previously Presented) The device of claim 21, wherein the first distance is greater than the diameter of the preexisting opening.

23. (Previously Presented) The device of claim 21, wherein the second distance is less than the diameter of the preexisting opening.

24. (Previously Presented) The device of claim 21, wherein the distal portion of the at least two staple members are substantially orthogonal to the central axis when the distal portions are in the second configuration.

25. (Previously Presented) The device of claim 21, wherein the distal portions end in a sharpened point.

26. (Previously Presented) The device of claim 21, wherein the distal portions are located radially inward relative to the annular ring when the distal portions are in the second configuration.

27. (Previously Presented) The device of claim 21, wherein the distal portions of the at least two staple members are not parallel with the central axis when the distal portions are in the second configuration.

28. (Previously Presented) The device of claim 21, wherein the member has a longitudinal axis that is parallel to the central axis.

29. (Previously Presented) The device of claim 28, wherein the member is a tubular member.

30. (Previously Presented) The device of claim 21, wherein the member is slidable within the ring.

31. (Previously Presented) The device of claim 21, comprising a driver disposed about the member.

32. (Previously Presented) The device of claim 31, wherein the driver and the member are movable with respect to one another.

33. (Previously Presented) The device of claim 32, wherein the driver is configured to move the ring from a first position relative to the member to a second position relative to the member, whereat the at least two staple members engage tissue.

34. (Previously Presented) The device of claim 21, wherein the distal portions of the staple members are formed of a superelastic material.

35. (Previously Presented) The device of claim 21, wherein the distal portions of the staple members are formed of a shape-memory material.

36. (Previously Presented) The device of claim 21, wherein the staple members are integrally formed with the ring.

37. (Previously Presented) The device of claim 21, wherein the ring has an inner periphery and the at least two staple members extend from the inner periphery.

38. (Previously Presented) The device of claim 37, wherein the at least two staple members comprise at least four staple members, and each of the at least four staple members extend from the inner periphery at positions that are angularly offset with respect to one another by substantially the same angle.

39. (Currently Amended) A system for engaging tissue having a preexisting opening, comprising:

- a device comprising a ring disposed about a central axis and at least two staple members extending therefrom, the at least two staple members each having a distal end; and

- a member configured to be disposed within the ring; and

- wherein the device has a first configuration, where the member is disposed within the ring, and a second configuration, where the member is not disposed within the ring, and wherein the member is configured to bias the distal ends of the at least two staple members are substantially parallel to the central axis when the device is in the first configuration, and the distal ends of the at least two staple members are substantially orthogonal to the central axis when the device is in the second configuration.

40. (Previously Presented) The device of claim 39, wherein the ring is generally annular in shape.

41. (Previously Presented) The device of claim 39, wherein the ring and staple members are formed of a superelastic material.

42. (Previously Presented) The device of claim 39, wherein the member is moveable along the central axis relative to the ring.

43. (Previously Presented) The device of claim 39, comprising a driver disposed about the member.

44. (Previously Presented) The device of claim 39, wherein the driver and the member are movable with respect to one another.

45. (Previously Presented) The device of claim 44, wherein the driver is configured to move the ring from a first position relative to the member to a second position relative to the member, whereat the at least two staple members engage tissue.

46. (Currently Amended) The device of claim 39, wherein the ring has an inner periphery and the at least two staple members extend from the inner periphery.

47. (Previously Presented) The device of claim 46, wherein the at least two staple members comprise at least four staple members, and each of the at least four staple members extend from the inner periphery at positions that are angularly offset with respect to one another by substantially the same angle.